

SPEAKER NICHOL PRESIDING

SPEAKER NICHOL: Senator Hefner.

SENATOR HEFNER: Mr. President, I wish to withdraw this amendment and then take up the amendment that is printed on page 1874.

SPEAKER NICHOL: It is withdrawn.

ASSISTANT CLERK: In that case, Mr. President, Senators Hefner, Schmit and Richard Peterson would offer the amendment and it is found on page 1874.

SPEAKER NICHOL: Senator Hefner.

SENATOR HEFNER: Mr. President and members of the body, just let me fill you in a little bit. The original bill proposed that the upper landowner that installs drainage tile or digs a drainage ditch shall be liable if the lower landowner sustains substantial damages as a result of this action. This amendment removes the liability to the upper landowner. It removes that. It leaves the statute 31-202 the way it was before we introduced this bill. This amendment proposes that if a landowner tiles, and we leave the digging of the drainage ditch out, just if the landowner tiles, he or she must give public notice of such construction in a countywide publication not less than 30 days or more than 45 days. It also, the second part of it, also exempts land located within the zoning jurisdiction of an incorporated municipality. If you remember yesterday we were having problems with some of the villages and cities and so we are putting this in that exempts them. We also are reducing and changing the penalty from a Class IV misdemeanor to a Class V. A Class IV misdemeanor is a minimum of \$100 and a maximum of \$500. A Class V misdemeanor is from nothing up to \$100. I feel that this is a reasonable compromise to those that had been opposing the bill. I feel that the municipalities can accept this amendment. I am interested in addressing some of the water laws that have not been addressed since 1929. Conditions change, times change, and